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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/45/L.29 and Add.1)]

45/145. Law of the sea

The General Assembly,

Recalling its previous resolutions, including resolution 44/26 of 20 November 1989, regarding the law of the sea,

Recognizing that, as stated in the third preambular paragraph of the United Nations Convention on the Law of the Sea, 1/ the problems of ocean space are closely interrelated and need to be considered as a whole,

Convinced that it is important to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose,

Emphasizing the need for States to ensure consistent application of the Convention, as well as the need for harmonization of national legislation with the provisions of the Convention,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of mankind,

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1/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

READEX FICHE

Recalling that the Convention provides the régime to be applied to the Area and its resources,

Recalling with satisfaction the expressions of willingness to explore all possibilities of addressing issues, as referred to in the statements made at the end of the meeting of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, held in New York from 14 August to 1 September 1989, in order to secure universal participation in the Convention, 2/

Recognizing the need for co-operation in the early and effective implementation by the Preparatory Commission of resolution II of the Third United Nations Conference on the Law of the Sea, 3/

Noting with satisfaction the progress made in the Preparatory Commission since its inception, including the registration in 1987 as pioneer investors of the Institut français de recherche pour l'exploitation de la mer (IFREMER), the Government of India, Deep Ocean Resources Development Co., Ltd. (DORD) and Yuzhmorgeologiya, whose applications were submitted by the Governments of France, India, Japan and the Union of Soviet Socialist Republics respectively, bearing in mind that such registration entails both rights and obligations,

Recalling with satisfaction the designation by the Preparatory Commission of reserved areas for the Authority from the application areas submitted by the pioneer investors pursuant to resolution II,

Noting the submission to the Preparatory Commission of an application by the Government of China on behalf of the China Ocean Mineral Resources Research and Development Association (COMRA) for registration as a pioneer investor under resolution II, 4/

Noting also the increasing needs of countries, especially developing countries, for information, advice and assistance in the implementation of the Convention and in their developmental process for the full realization of the benefits of the comprehensive legal régime established by the Convention,

Concerned that the developing countries are as yet unable to take effective measures for the full realization of these benefits owing to the lack of resources and of the necessary scientific and technological capabilities,

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2/ See A/44/650 and Corr.1, paras. 156 and 158.

3/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/121, annex I.

4/ LOS/PCN/113.

Recognizing the need to enhance and supplement the efforts of States and competent international organizations to enable developing countries to acquire such capabilities,

Recognizing also that the Convention encompasses all uses and resources of the sea and that all related activities within the United Nations system need to be implemented in a manner consistent with it,

Noting with appreciation the initiative of the Secretary-General to promote dialogue aimed at achieving universal participation in the Convention, 5/

Deeply concerned at the current state of the marine environment,

Mindful of the importance of the Convention for the protection of the marine environment,

Noting with concern the use of fishing methods and practices that can have an adverse impact on the conservation and management of marine living resources,

Recalling that States have a duty to take, or co-operate with other States in taking, such measures for their nationals as may be necessary for the conservation of the living resources of the high seas,

Conscious of the urgent need to increase the scientific knowledge of the marine environment,

Taking note of activities carried out in 1990 under the major programme on marine affairs, set forth in chapter 25 of the medium-term plan for the period 1984-1989 and extended for the period 1990-1991, in accordance with the report of the Secretary-General, 6/ as approved in General Assembly resolution 38/59 A, and the report of the Secretary-General, 7/

Recalling its approval of the financing of the expenses of the Preparatory Commission from the regular budget of the United Nations,

Taking special note of the report of the Secretary-General prepared in pursuance of paragraph 20 of General Assembly resolution 44/26, 7/

1. Recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world;

5/ See A/45/721 and Corr.1, para. 14.

6/ A/38/570 and Corr.1 and Add.1 and Add.1/Corr.1.

7/ A/45/721 and Corr.1.

2. Expresses its satisfaction at the increasing and overwhelming support for the Convention, as evidenced, inter alia, by the one hundred and fifty-nine signatures and forty-five of the sixty ratifications or accessions required for entry into force of the Convention;

3. Invites all States to make renewed efforts to facilitate universal participation in the Convention;

4. Calls upon all States that have not done so to consider ratifying or acceding to the Convention at the earliest possible date to allow the effective entry into force of the new legal régime for the uses of the sea and its resources;

5. Calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose;

6. Also calls upon States to observe the provisions of the Convention when enacting their national legislation;

7. Notes the progress being made by the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea in all areas of its work;

8. Notes with satisfaction the Understanding on the Fulfilment of Obligations by the Registered Pioneer Investors and their Certifying States adopted by the Preparatory Commission on 30 August 1990; 8/

9. Expresses its appreciation to the Secretary-General for his efforts in support of the Convention and for the effective execution of the major programme on marine affairs set forth in chapter 25 of the medium-term plan for the period 1984-1989 and extended for the period 1990-1991 and requests him to take into account the prospective entry into force of the Convention and the increased needs of States for assistance in the implementation of the Convention in the medium-term plan for the period 1992-1997;

10. Also expresses its appreciation to the Secretary-General for the report prepared in pursuance of paragraph 20 of General Assembly resolution 44/26 7/ and requests him to carry out the activities outlined therein, as well as those aimed at the strengthening of the legal régime of the sea, special emphasis being placed on the work of the Preparatory Commission, including the implementation of resolution II of the Third United Nations Conference on the Law of the Sea;

11. Welcomes regional efforts by developing countries to integrate the ocean sector in national development plans and programmes through the process of

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8/ LOS/PCN/L.87, annex.

international co-operation and assistance, in particular the recent initiatives mentioned in the report of the Secretary-General; 9/

12. Calls upon the Secretary-General to continue to assist States in the implementation of the Convention and in the development of a consistent and uniform approach to the legal régime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom, and invites the organs and organizations of the United Nations system to co-operate and lend assistance in these endeavours;

13. Urges interested Member States, in particular States that have advanced marine capabilities, to review relevant policies and programmes in the context of the integration of the marine sector in national development strategies, and to explore prospects for intensifying co-operation with developing States, including States of regions active in this field;

14. Requests the competent international organizations, the United Nations Development Programme, the World Bank and other multilateral funding agencies, in accordance with their respective policies, to intensify financial, technological, organizational and managerial assistance to the developing countries in their efforts to realize the benefits of the comprehensive legal régime established by the Convention and to strengthen co-operation among themselves and with donor States in the provision of such assistance;

15. Welcomes the report of the Secretary-General submitted pursuant to paragraph 13 of General Assembly resolution 44/26, in which were identified the needs of States in regard to the development and management of ocean resources and the measures currently taken by States and by the competent international organizations in responding to those needs, 10/ and requests the Secretary-General to transmit that report to all Member States and competent international organizations, agencies and bodies for their review and to take their comments into account in the preparation of the report to be submitted to the Assembly at its forty-sixth session;

16. Approves the decision of the Preparatory Commission to hold its ninth regular session at Kingston from 25 February to 22 March 1991 and to hold a summer meeting in New York in 1991;

17. Recognizes that the protection of the marine environment will be significantly enhanced by the implementation of applicable provisions of the Convention;

9/ See A/45/721 and Corr.1, paras. 16-19.

10/ A/45/712.

18. Expresses its appreciation to the Secretary-General for the study on marine scientific research submitted pursuant to paragraph 19 of General Assembly resolution 44/26, 11/ in which it was underscored that research and monitoring needs in the field of marine science call for enhanced international co-operation in order to provide a sound basis for resource management and the protection and preservation of the marine environment and for the study of the influence of the oceans on the global environment;

19. Reiterates its call to States and other members of the international community to strengthen their co-operation in the conservation of marine living resources, including the prevention of the use of fishing methods and practices that can have an adverse impact on the conservation and management of marine living resources;

20. Requests the Secretary-General to report to the General Assembly at its forty-sixth session on developments pertaining to the Convention and all related activities and on the implementation of the present resolution;

21. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Law of the sea".

68th plenary meeting
14 December 1990

11/ A/45/563.